

**POLICY AND LAW COMMITTEE MEETING
FEBRUARY 7, 2007 – 1 PM
APPOQUINIMINK STATE SERVICE CENTER – MIDDLETOWN, DE**

Present: Brian Hartman, DLP; Daniese McMullin-Powell, SCPD; Rita Marocco, NAMI-DE; Doyle Dobbins, DELARF; Pat Maichle, DDC; Liz Schantz, Consumer; Victor Orija, Ombudsman's Office; Charlotte Herbert, LDAF; Regina Byers, GCAAPD; Ray Brouillette, Easter Seals; Tony Horstman, Parent; Karen Lazar, Ombudsman's Office; Chris Long, DHSS/DDDS (via phone); Kyle Hodges, Staff.

Absent: Marge Turner, UCP; Norwood Coleman, Family Member; Bob Osgood, SCPD; Brian Bard, Consumer; Cookie Austin, Parent; Jamie Wolfe, Consumer; Tim Brooks, CDS; Wendy Strauss, GACEC; Rita Landgraf, SCPD; Carolanne O'Brien, DVR.

CALL TO ORDER

Daniese McMullin-Powell called the meeting to order at 1: 10 PM.

APPROVAL OF MINUTES

Daniese noted that Bob was not present at the meeting and could not have called the meeting to order. Kyle called the meeting to order. Kyle also noted that the letter to Congressman Castle regarding the Lifespan Respite Care Act was not written – it had passed before Kyle could distribute it. Motion was made, seconded and approved to accept the October 2006 meeting minutes as amended.

ADDITIONS OR DELETIONS TO THE AGENDA

Kyle will make an announcement about the March meeting.

REVIEW OF BILLS AND REGULATIONS

1. H.B. No. 3 (Restroom Access) – It was agreed to add another observation consistent with the following: SCPD prefers that the bill cover retail establishments with fewer than 10 or more employees consistent with the predecessor bill (H.B. 329) which covered stores with 3 or more employees. Council believes this provision would truly cover the size of retail establishments in which persons with disabilities would need such an accommodation.

2. HCR No. 2 (State Children's Health Insurance Program) – It was agreed to add other organizations who endorse the Resolution. DDC, NAMI, DelARF, Easter Seals, and DLP endorse this. Kyle will also send a letter to other organizations to determine if they want to be included in the letter. The letter will be copied to the General Assembly.

3. S.B. No. 6 (Delaware Health Insurance Pool) – Motion was made, seconded and approved for SCPD to strongly endorse the bill with the preference to delete the one-year residency limit. Therefore, the last sentence in this section would be deleted. Doyle recommended copying Ms. Connie Hughes at DANA.
4. S.B. No. 11 (Delaware Prescription Drug Payment Assistance Program) - Motion was made, seconded and approved for SCPD to endorse the bill.
5. H.S. No. 1 for H.B. No. 18 (Diploma Standards) - Motion was made, seconded and approved for SCPD to endorse the bill.
6. H.B. No. 7 (School Bullying) – It was agreed to add a sentence at the end of the 4th observation that would capture that “one serious incident or a series of less serious incidents” should qualify as bullying. Motion was made, seconded and approved for SCPD to endorse the concept of the bill with the aforementioned addition.
7. DMMA Indep. Plus Attendant Services Waiver Withdrawal [10 DE Reg. 1301 (2/1/07)] – It was agreed no further action was needed except for SCPD to testify at the DHSS JFC hearings in support of the increase in “tobacco” funds for personal attendant services.
8. Dept. Of Insurance Final Medicare Supplement Insurance Regs. [10 DE Reg. 1307 (2/1/07)] – It was agreed that no further action was needed.
9. DMMA Final Special Needs Trust Regulation [10 DE Reg. 1302 (2/1/07)] - It was agreed that no further action was needed.
10. DMMA Prop. Final Institutionalized Spouse Reg. [10 DE Reg. 1220 (2/1/07)] – Motion was made, seconded and approved for SCPD to endorse the final regulation.
11. DMMA Proposed LTC Savings Bond Regulation [10 DE Reg. 1219 (2/1/07)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo.
12. DMMA Prop. LTC Life Estate and Promissory Note Regulations [10 DE Reg. 1216 (2/1/07)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo.
13. DOE Proposed Driver Education Regulation [10 DE Reg. 1205 (2/1/07)] - Motion was made, seconded and approved for SCPD to write a letter to DOE endorsing the regulation.
14. DOE Proposed Content Standards Regulations [10 DE Reg. 1202 (2/1/07)] - Motion was made, seconded and approved for SCPD to write a letter to DOE sharing observations consistent with the Brian’s memo.

15. DOE Proposed Salary Supplement Regulations [10 DE Reg 1208 (2/1/06)] – It was agreed to take no action.

16. DOE Proposed Standard Certificate Regulations [10 DE Reg. 1213 (2/1/06)] - Motion was made, seconded and approved for SCPD to write a letter to DOE sharing the observations consistent with the Brian's memo.

17. Dept. Of Insurance MCO Appeal Regulations [10 DE Reg. 1233 (2/1/07)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian's memo.

18. Dept. of Insurance MCO Certification & Operations Regs. [10 DE Reg. 1249 (2/1/07)] – It was recommended to add “health care” in the first sentence of the definition of health care services and reference the other regulation (1301). Motion was made, seconded and approved for SCPD to write a letter consistent with Brian's memo and the aforementioned recommendation. Please note that this recommendation was not included since after staff review and consultation with DLP, it was determined that there was not a reference to healthcare in this context in Reg. 1301.

19. DPH Proposed Personal Assistance Services Agencies Regulations (Pre-publication) – Regarding Scope of Services, it was agreed to provide actual copies of the law regarding consumer delegation to unlicensed personnel and the appropriate Board of Nursing Regulations.

Regarding the timeline to submit a report on a “major adverse incident”, it was agreed to reference Title 16 Section 1132 of the Delaware Code which speaks to reporting requirements for nursing facilities.

Pat noted that there is no agency accountability for the aides, homemakers, etc. sent to a person's home. Many times the agency will claim that the aides sent to someone's home is an independent contractor and that the agency is not responsible for losses or injuries. Therefore, regarding Section 7.1 which contemplates that the agency shall have insurance to compensate the consumer for any losses or injuries resulting from services provided by the agency, it was agreed to add another observation as follows: “No agency shall seek a waiver of liability through contractual provision with the consumer.” This will ensure agency accountability for losses or injuries.

OTHER BUSINESS

Kyle reported that the next meeting has been changed. It is now scheduled for March 15th at 1 PM at the Public Archives Bldg. in Dover.

ADJOURNMENT

The meeting was adjourned at 3:35 PM.

Respectively submitted,

Kyle Hodges
SCPD Administrator
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